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10/642,601	08/19/2003	Junji Ooi	241717US6	2835
22850 7590 01/14/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MESFIN, YEMANE	
			ART UNIT 2144	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/642,601

Applicant(s)

OOI ET AL.

Examiner

Yemane Mesfin

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The response filed on 10/16/2007 has been entered and made of record.

Claims 1-39 are now pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 24 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 24 and 38, the inventive entity recites, "A computer readable medium for causing a computer to perform a process for receiving information from a communication party via a network..." (See preamble of Claims 24 & 38 as amended). It is unclear what applicant encompasses to cover by making use of such a language. It makes no technological sense, that "a computer readable medium" causes a computer to perform any function for any purpose. According to the definition of "a computer readable medium"; "a computer readable medium" could be interpreted as a storage medium and/or a transmission medium. Given any one of the interpretations disclosed above, the claimed language remain unclear on HOW a storage and/or a transmission

means could cause (beyond the purpose of storing and/or transmission signals) the recited functional instruction as recited in the body of the claims.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

a. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 24 and 38 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 24 and 38 call for "**A Computer-Program computer readable medium for causing** a computer to perform a process for receiving information from a communication party via a network, said **computer program process comprising:**" (See preamble of Claims 24 & 38 as amended). These claims are directed to a non-statutory subject matter (**a software per se**), which is not tangibly stored on a computer readable storage medium so to be executable by a computer system. Thus, claims 24 and 38 remain rejected as been directed to a non-statutory subject matter.

Note: A computer program should be stored in a computer readable **storage** medium (statutory) to be realized by a computer system.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashemi (US 20030212804 A1) in view of Kim et al (USPAT 6,714,253) hereinafter referred to as Kim.

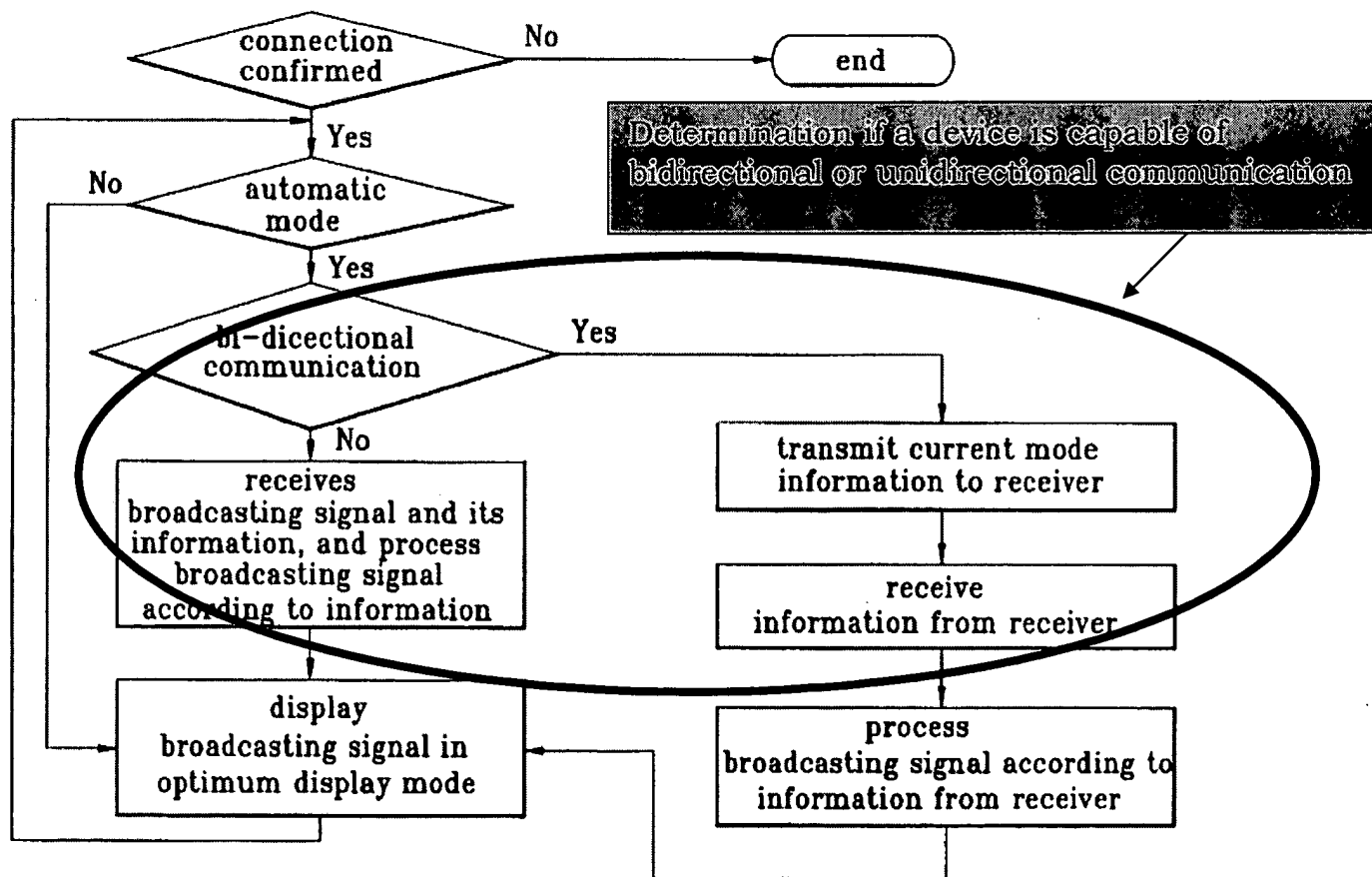
As per claim 1, Hashemi discloses an information processing system having a first information processing apparatus [Fig. 1A # 104 and Page 1, ¶0023, a first computing device] and a second information processing apparatus for transferring information via a network [Fig. 1, and Page 1, ¶¶0004-0008 and Page 2, ¶0024, any one of a the plurality of communication device receiving and/or transmitting information], said information processing system comprising: first execution means for performing a connection procedure for transferring main information from said first information processing apparatus to said second information processing apparatus over the network [Hashemi, Fig. 1A, # 104 (computing device) communicating media information to another peer (second computer) in the communication network]; and second execution means for determining whether said first information processing apparatus has a bidirectional function for transmitting the main

information and for receiving the main information over the network [page 2, ¶0024, "...the computing device...configured to both send and receive streams of media"] or has a unidirectional function such that said first information processing apparatus has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the network [page 2, ¶0024, "...the computing device can also be configured to only send to only receive a stream of a media"], and for performing a connection procedure for transferring the main information from said second information processing apparatus to said first information processing apparatus [Hashemi, page 2, ¶0025. "...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving

or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page 3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device. However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed below, Column 4, Line 47 through Column 5, Line 25).

FIG.5



Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

As per claim 2, Hashemi discloses the limitations, substantially as claimed, as described in claim 1, wherein, in the connection procedure for transferring the main information, one of said first information processing apparatus and said second information processing apparatus transmits, to the other of said first information processing apparatus and said second information processing apparatus, information of the connection destination to which the main information is to be transmitted or from which the main information is to be received [Hashemi, page 2, ¶0025 and page 3, ¶0040, the plurality of computing devices notifying other communication unit (server) about information to be shared between the computing devices].

As per claim 3, Hashemi discloses the limitations, substantially as claimed, as described in claim 1, wherein one of said first information processing apparatus and said second information processing apparatus

transmits, to the other of said first information processing apparatus and said second information processing apparatus, invitation information for inviting a connection [page 5, ¶¶0055-0056, a peer initiates session connection (requesting or inviting) by selecting available peer on the P2P network], and wherein the information processing apparatus receiving said invitation information transmits acceptance information indicating that said acceptance is received, to the information processing invitation that has transmitted said invitation information when the invitation based on said invitation information is to be accepted [Hashemi, page 5, ¶¶0053-0056, P2P session established to share media information between the peer devices].

As per claim 4, Hashemi discloses the limitations, substantially as claimed, as described in claim 1, wherein one of said first information processing apparatus and said second information processing apparatus is a transmitting apparatus that transmits, to the other of said first information processing apparatus and said second information processing apparatus, function information indicating which one of the bidirectional function and the unidirectional function the apparatus itself has [Hashemi, page 2, ¶¶0024-0025 and page 3, ¶0039 through page 4, ¶0044, peer devices configured to only send or only receive and/or both send and receive and a connection configuration information of each peer in the network being communicated to a central server notifying the capability and desire of sending and/or receiving media information between the plurality of peers in the P2P network].

As per claim 5, Hashemi discloses the limitations, substantially as claimed, as described in claim 4, wherein one of said first information processing apparatus and said second information processing apparatus is a determining apparatus that determines whether or not the other party is able to communicate with the apparatus itself when said function information is received from the other of said first information processing apparatus and said second information processing, and when the other of said first information processing apparatus and said second information processing is able to communicate with the determining apparatus, the determining apparatus is registered in the other of said first information processing apparatus and said second information processing [Hashemi, page 5, ¶¶0054-55, determination whether one peer is registered in the list of another peer and likewise if the other party in the P2P has the same access based on the registered list].

As per claim 6, Hashemi discloses the limitations, substantially as claimed, as described in claim 4, further comprising a third information processing apparatus for transmitting said function information of one of said first information processing apparatus and said second information processing apparatus to the other party via said network [Hashemi, page 2, ¶¶0024-0025 and page 3, ¶0039 through page 4, ¶0044, peer devices configured to only send or only receive and/or both send and receive and a connection configuration information of each peer in the network being communicated to a central

server notifying the capability and desire of sending and/or receiving media information between the plurality of peers in the P2P network].

As per claim 7, Hashemi discloses the limitations, substantially as claimed, as described in claim 6, wherein, to transfer the main information, the connection procedure performed between said first information processing apparatus and said second information processing apparatus is performed via said third information processing apparatus connected to said network, and wherein the transfer of the main information between said first information processing apparatus and said second information processing apparatus is performed without the intervention of said third information processing apparatus [Hashemi, page 5, ¶0058 information being communicated between the peers via a central server and alternatively happening directly from peer to peer without the intervention of the central server].

As per claim 8, Hashemi discloses 8. An information processing system having a first information processing apparatus [Fig. 1A # 104 and Page 1, ¶0023, a first computing device] and a second information processing apparatus for transferring information via a network [Fig. 1, and Page 1, ¶¶0004-0008 and Page 2, ¶0024, any one of a the plurality of communication device receiving and/or transmitting information], said information processing system comprising: first execution means for performing a connection procedure for transferring main information in a first direction between said first information processing apparatus and said second information processing

apparatus over the network [Fig. 1A, # 104 (computing device) communication session established communicating media information to another peer (second computer) in the communication network]; and second execution means for determining whether at least one of said first information processing apparatus and said second information processing apparatus has a bidirectional function for transmitting the main information and for receiving the main information over the network [page 2, ¶0024, "...the computing device...configured to both send and receive streams of media"], or has a unidirectional function such that the apparatus has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the network [page 2, ¶0024, "...the computing device can also be configured to only send to only receive a stream of a media"], and for performing a connection procedure for transferring the main information in a second direction differing from said first direction [Hashemi, page 2, ¶0025. "...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the

computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page 3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device. However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed above, Column 4, Line 47 through Column 5, Line 25). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

As per claim 9, Hashemi discloses 9 an information processing method for use in an information processing system comprising a first information

processing apparatus [Fig. 1A # 104 and Page 1, ¶0023, a first computing device] and a second information processing apparatus for transferring information via a network [Fig. 1, and Page 1, ¶¶0004-0008 and Page 2, ¶0024, any one of a the plurality of communication device receiving and/or transmitting information], said information processing method comprising the steps of: performing a connection procedure for transferring main information from said first information processing apparatus to said second information processing apparatus over the network [Fig. 1A, # 104 (computing device) communication session established communicating media information to another peer (second computer) in the communication network]; determining whether said first information processing apparatus has a bidirectional function for transmitting the main information and for receiving the main information over the network [page 2, ¶0024, "...the computing device...configured to both send and receive streams of media"], or has a unidirectional function such that said first information processing apparatus has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the network [page 2, ¶0024, "....the computing device can also be configured to only send/receive to only receive a stream of a media"]; and performing a connection procedure for transferring the main information from said second information processing apparatus to said first information processing apparatus when said first information processing apparatus has said

bidirectional function [page 2, ¶0025. "...computer 130 to communicate with other computers, ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page 3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device. However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed above, Column 4, Line 47 through Column 5, Line 25). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

As per claim 10, Hashemi discloses an information processing method for use in an information processing system comprising a first information processing apparatus [Fig. 1A # 104 and Page 1, ¶0023, a first computing device] and a second information processing apparatus for transferring information via a network [Fig. 1, and Page 1, ¶¶0004-0008 and Page 2, ¶0024, any one of a the plurality of communication device receiving and/or transmitting information], said information processing method comprising the steps of: performing a connection procedure for transferring main information in a first direction between said first information processing apparatus and said second information processing apparatus over the network [Fig. 1A, # 104 (computing device) communication session established communicating media information to another peer (second computer) in the communication network]; determining whether at least one of said first information processing apparatus and said second information processing apparatus has a bidirectional function for transmitting the main information and for receiving the main information over the network, [page 2, ¶0024, "...the computing device...configured to both

send and receive streams of media”] or has a unidirectional function such that the apparatus has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the network [page 2, ¶0024, “....the computing device can also be configured to only send or only receive a stream of a media”]; and performing a connection procedure for transferring the main information in a second direction differing from said first direction when said bidirectional function is possessed [page 2, ¶0025. “...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both...” and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page

3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device. However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed above, Column 4, Line 47 through Column 5, Line 25). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

As per claim 11, Hashemi discloses an information processing apparatus for receiving information from a second information processing apparatus via a network, said information processing apparatus comprising: communication means for transmitting and receiving information [Fig. 1A, showing plurality of communication devices transmitting and receiving information objected over the network and Page 1, ¶0023]; and control means for performing various processes, wherein said control [central server controlling communication of the communication model in sharing media information objects among plurality of computing devices, see page 3, ¶¶0033-0040] means performs: a

first execution process for executing a connection procedure for receiving main information transmitted by said second information processing apparatus over the network [Hashemi, page 3, ¶0040, central server receiving information from the peers in the network]; a determination process for determining whether said second information processing apparatus has a bidirectional function for transmitting the main information and for receiving the main information over the network [page 2, ¶0024, "...the computing device...configured to both send and receive streams of media"], or has a unidirectional function such that the second information processing apparatus has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the network [page 2, ¶0024, "...the computing device can also be configured to only send or only receive a stream of a media"]; and a second execution process for executing a connection procedure for said second information processing apparatus to receive the main information transmitted by said information processing apparatus when it is determined in said determination process that said second information processing apparatus has said bidirectional function [page 2, ¶0025. "...computer 130 to communicate with other computers, such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented

protocol, or both..." and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page 3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device. However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed above, Column 4, Line 47 through Column 5, Line 25). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of

the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

As per claim 12, Hashemi discloses the limitations, substantially as claimed, as described in claim 11, wherein, in said second execution process, when it is determined in said determination process that said second information processing apparatus has said unidirectional function, the connection procedure for said second information processing apparatus to receive said main information transmitted by said information processing apparatus is skipped [page 2, ¶¶0024-0025 and page 3, ¶0039, communication session is established or avoided based on peer capability/configuration (i.e., configured to send and receive or configured to only send/receive)].

As per claim 13, Hashemi discloses the limitations, substantially as claimed, as described in claim 11, wherein, in said first execution process, first connection information for receiving the main information transmitted by said second information processing apparatus is exchanged with said second information processing apparatus, and wherein, in said second execution process, second connection information for said second information processing apparatus to receive the main information transmitted by said information processing apparatus is exchanged with said second information processing apparatus [page 2, ¶0025 and page 3, ¶0039. "...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the

other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." allowing transmission of media objects between the communicating peers in the P2P network].

As per claim 14, Hashemi discloses the limitations, substantially as claimed, as described in claim 13, wherein, in said first execution process, said first connection information is received from said second information processing apparatus, and in said second execution process, said second connection information is transmitted to said second information processing apparatus [Hashemi, page 4, ¶0052 through page 5, ¶0056].

As per claim 15, Hashemi discloses the limitations, substantially as claimed, as described in claim 14, wherein control means performs a process for communicating with said second information processing apparatus on the basis of at least one of said first connection information and said second connection information [Hashemi, page 5, ¶0058, a media clip information is exchanged to another peer via a central server (control means)].

As per claim 16, Hashemi discloses the limitations, substantially as claimed, as described in claim 11, wherein control means performs a process for receiving invitation information for inviting a connection from said second information processing apparatus via said communication means [page 5, ¶¶0055-0056, a peer initiates session connection (requesting or inviting) by

selecting available peer on the P2P network] and for transmitting acceptance information indicating that said invitation is accepted, to said second information processing apparatus via said communication means when the invitation based on said invitation information is to be accepted [Hashemi, page 5, ¶¶0053-0056, P2P session established to share media information between the peer devices].

As per claim 17, Hashemi discloses the limitations, substantially as claimed, as described in claim 11, wherein control means further performs a process for receiving, via said communication means, function information indicating which one of said bidirectional function [page 2, ¶0024, configured to both receive and send] and said unidirectional function said second information processing apparatus has, and wherein said determination process determines which one of said bidirectional function and said unidirectional function said second information processing apparatus has [page 2, ¶0024-0025, configured to only send or receive].

As per claim 18, Hashemi discloses the limitations, substantially as claimed, as described in claim 17, wherein control means performs a process for determining whether or not communication with said second information processing apparatus is possible when said function information is received, and performs a process for registering said information processing apparatus in said second information processing apparatus when communication with said second information processing apparatus is possible [page 3, ¶0035-0036,

a central server informing peers on the P2P network about presence information of other peers and a peer initiating a session communication with another peer when available/possible status is determined].

As per claim 19, Hashemi discloses the limitations, substantially as claimed, as described in claim 17, wherein said control means further performs a process for transmitting said function information of said information processing apparatus to said second information processing apparatus via said communication means [page 3, ¶¶0033-0036 & ¶0040].

As per claim 20, Hashemi discloses the limitations, substantially as claimed, as described in claim 19, wherein said function information is transmitted to said second information processing apparatus via a third information processing apparatus on said network [page 5, ¶0058, via a third party, the central server].

As per claim 21, Hashemi discloses the limitations, substantially as claimed, as described in claim 17, wherein said function information of said second information processing apparatus is received via the third information processing apparatus on said network [page 5, ¶0058, via a third party, the central server].

As per claim 22, Hashemi discloses the limitations, substantially as claimed, as described in claim 11, wherein, to transfer the main information, the connection procedure performed with said second information processing apparatus is performed via said third information processing apparatus

connected to said network [page 5, ¶0058, via a third party, the central server on the centralized P2P network], and wherein, the main information transferred to and from said second information processing apparatus is transferred without the intervention of said third information processing apparatus [page 5, ¶0058, peer directly communicating with another peer].

As per claim 23, Hashemi discloses an information processing method for receiving information from a communication party via a network [Fig. 1A, showing plurality of communication devices transmitting and receiving information objected over the network and Page 1, ¶0023], said information processing method comprising: a first execution step of executing a connection procedure for receiving main information transmitted by said communication party over the network [Hashemi, page 2, ¶¶0024-0025, configured to send and receive over the P2P network and page 3, ¶¶0033-0040, a central server controlling communication of the communication model in sharing media information objects among plurality of computing devices]; a determination step of determining whether the communication party has a bidirectional function for transmitting the main information and for receiving the main information over the network [page 2, ¶0024, "...the computing device...configured to both send and/or receive streams of media"], or has a unidirectional function such that said communication party has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the

network [page 2, ¶0024, "...the computing device can also be configured to only send or only receive a stream of a media"]; and a second execution step of executing a connection procedure for transmitting the main information when it is determined in the process of said determination step that said communication party has said bidirectional function [page 2, ¶0025. "...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page 3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device.

However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed above, Column 4, Line 47 through Column 5, Line 25). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

As per claim 24, Hashemi discloses a computer readable medium for allowing a computer to perform a process for receiving information from a communication party via a network [Fig. 1A, showing plurality of communication devices transmitting and receiving information objected over the network and Page 1, ¶0023], said process comprising: a first execution step of executing a connection procedure for receiving main information transmitted by said communication party over the network [Hashemi, page 2, ¶¶0024-0025, configured to send and receive over the P2P network, and page 3, ¶¶0033-0040, a central server controlling communication of the communication model in sharing media information objects among plurality of computing devices]; a determination step of determining whether said

communication party has a bidirectional function for transmitting the main information and for receiving the main information over the network [page 2, ¶0024, "...the computing device...configured to both send and/or receive streams of media"], or has a unidirectional function such that said communication party has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the network [page 2, ¶0024, "....the computing device can also be configured to only send or only receive a stream of a media"]; and a second execution step of executing a connection procedure for transmitting said main information to said communication party when it is determined in said determination process that said communication party has said bidirectional function [page 2, ¶0025. "...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page 3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device. However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed above, Column 4, Line 47 through Column 5, Line 25). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

As per claim 25, Hashemi discloses an information processing apparatus for transmitting information to a second information processing apparatus via a network [Fig. 1A, showing plurality of communication devices transmitting and receiving information objected over the network and Page 1, ¶0023], said

information processing apparatus comprising: communication means for transmitting and receiving information [Hashemi, page 2, ¶¶0024-0025, configured to send and receive]; and control means for performing various processes, wherein said control means performs: a first execution process for executing a connection procedure for transmitting main information to said second information processing apparatus over the network [page 3, ¶¶0033-0040, a central server controlling communication of the communication model in sharing media information objects among plurality of computing devices]; a determination process for determining whether said second information processing apparatus has a bidirectional function for transmitting the main information and for receiving the main information over the network [page 2, ¶0024, "...the computing device...configured to both send and/or receive streams of media"], or has a unidirectional function such that the second information processing apparatus has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the network [page 2, ¶0024, "...the computing device can also be configured to only send or only receive a stream of a media"]; and a second execution process for executing a connection procedure for said information processing apparatus to receive the main information transmitted by said second information processing apparatus when it is determined in said determination process that said second information processing apparatus has said bidirectional function [page 2,

¶0025. "...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page 3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device. However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed above, Column 4, Line 47 through Column 5, Line 25). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

As per claim 26, Hashemi discloses the limitations, substantially as claimed, as described in claim 25, wherein, in said second execution process, when it is determined in said determination process that said second information processing apparatus has said unidirectional function, the connection procedure for said information processing apparatus to receive said main information transmitted by said second information processing apparatus is skipped [Hashemi, page 2, ¶¶0024-0025 and page 3, ¶0039, communication session is established or avoided based on peer capability/configuration (i.e., configured to send and receive or configured to only send/receive)].

As per claim 27, Hashemi discloses the limitations, substantially as claimed, as described in claim 25, wherein, in said first execution process, first connection information used by said second information processing apparatus to receive the main information transmitted by said information processing apparatus is exchanged with said second information processing apparatus, and, wherein, in said second execution process, second connection information used by said information processing apparatus to receive the main information

transmitted by said second information processing apparatus is exchanged with said second information processing apparatus [page 2, ¶0025 and page 3, ¶0039. "...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." allowing transmission of media objects between the communicating peers in the P2P network].

As per claim 28, Hashemi discloses the limitations, substantially as claimed, as described in claim 27, wherein, in said first execution process, said first connection information is transmitted to said second information processing apparatus, and wherein, in said second execution process, said second connection information is received from said second information processing apparatus [Hashemi, page 4, ¶0052 through page 5, ¶0056].

As per claim 29, Hashemi discloses the limitations, substantially as claimed, as described in claim 28, wherein control means performs a process for communicating with said second information processing apparatus on the basis of at least one of said first connection information and said second connection information [Hashemi, page 5, ¶0058, a media clip information is exchanged to another peer via a central server (control means)].

As per claim 30, Hashemi discloses the limitations, substantially as claimed, as described in claim 28, wherein control means further performs a process for transmitting invitation information, for inviting a connection, to said second information processing apparatus via said communication means [page 5, ¶¶0055-0056, requesting or inviting by selecting available peer on the P2P network], and wherein said first execution process transmits said first connection information to said second information processing apparatus when the invitation based on said invitation information is accepted [page 5, ¶¶0053-0056, acceptance (i.e., a P2P session established to share media information between the peer devices)].

As per claim 31, Hashemi discloses the limitations, substantially as claimed, as described in claim 25, wherein control means further performs a process for receiving, via said communication means, function information indicating which one of said bidirectional function [page 2, ¶0024, configured to both receive and send] and said unidirectional function said second information processing apparatus has, the function information being transmitted by said second information processing apparatus, and wherein said determination process determines, on the basis of said received function information, which one of said bidirectional function and said unidirectional function said second information processing apparatus has [page 2, ¶0024-0025, configured to only send or receive].

As per claim 32, Hashemi discloses the limitations, substantially as claimed, as described in claim 31, wherein control means performs a process for determining whether or not communication with said second information processing apparatus is possible when said function information is received, and performs a process for registering said information processing apparatus in said second information processing apparatus when communication with said second information processing apparatus is possible [page 3, ¶0035-0036, a central server informing peers on the P2P network about presence information of other peers and a peer initiating a session communication with another peer when available/possible status is determined].

As per claim 33, Hashemi discloses the limitations, substantially as claimed, as described in claim 31, wherein control means further performs a process for transmitting said function information of said information processing apparatus to said second information processing apparatus via said communication means [page 3, ¶¶0033-0036 & ¶0040].

As per claim 34, Hashemi discloses the limitations, substantially as claimed, as described in claim 33, wherein said function information is transmitted to said second information processing apparatus via a third information processing apparatus on said network [page 5, ¶0058, via a third party, the central server].

As per claim 35, Hashemi discloses the limitations, substantially as claimed, as described in claim 31, wherein said function information of said

second information processing apparatus is received via the third information processing apparatus on said network [page 5, ¶0058, communication via a third party (the central server)].

As per claim 36, Hashemi discloses the limitations, substantially as claimed, as described in claim 25, wherein, to transfer the main information, the connection procedure performed with said second information processing apparatus is performed via said third information processing apparatus connected to said network [page 5, ¶0058, via a third party, the central server on the centralized P2P network], and wherein the main information transferred to and from said second information processing apparatus is transferred without the intervention of said third information processing apparatus [page 5, ¶0058, peer directly communicating with another peer].

As per claims 37 and 38, Hashemi discloses a computer program and an information processing method for transmitting main information to a communication party via a network [Fig. 1A, showing plurality of communication devices transmitting and receiving information objected over the network and Page 1, ¶0023], said information processing method comprising: a first execution step of executing a connection procedure for transmitting main information to said communication party over the network [page 2, ¶¶0024-0025, configured to send and receive over the P2P network, and page 3, ¶¶0033-0040, ...sharing media information objects among plurality of computing devices]; a determination step of determining whether

said communication party has a bidirectional function for transmitting the main information and for receiving the main information over the network [page 2, ¶0024, "...the computing device...configured to both send and/or receive streams of media"], or has a unidirectional function such that said communication party has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information over the network [page 2, ¶0024, "....the computing device can also be configured to only send or only receive a stream of a media"]; and a second execution step of executing a connection procedure for receiving the main information transmitted by said information processing apparatus when it is determined in the process of said determination step that said communication party has said bidirectional function [page 2, ¶0025. "...computer 130 to communicate with other computers ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." and page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP].

Hashemi substantially disclosed the invention as recited. Hashemi further taught that the communication devices being configured to both receive and transmit and some communication devices being capable of only receiving or transmitting information objects between peers in the centralized P2P communication system as recited (see Hashemi, page 2, ¶¶0024-0025 & page 3, ¶0039). However, Hashemi is silent about the step of determining a bidirectional or a unidirectional function of the communication device. However, as evidenced by the teachings of Kim, determining a bidirectional or a unidirectional function of the communication device was known in the art at the time the invention was made (see Kim, Fig. 5, disclosed above, Column 4, Line 47 through Column 5, Line 25). Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Kim related to a function of determining a bidirectional and/or unidirectional capability of a communication device and have modified the teachings of Hashemi in order to facilitate the invention by allowing communication based on the capability of the communication terminals on the network (Hashemi, Page 2, ¶0024-0025, Page 3, ¶0039 and Kim, Column 5, Lines 5, Lines 3-30).

Claim 39, recites limitations substantially the same as in claim 25 above. Thus, it is rejected with the same rationale.

Response to Arguments

8. Applicant's arguments filed 10/16/2007 have been fully considered but they are not persuasive.

Argument: The applicant recites, "Kim fails to disclose or suggest that set top box 100 and display device 200 correspond to a first information processing apparatus and a second information processing for transferring main information over a network. On the contrary, set top box 100 and display device 200 are connected directly to each other as shown on Figure 3, and they are both on the same end of a digital broadcasting receiver network. Therefore, set top box 100 and display device 200 do not communicate with each other over a network, as defined in Claim 1" (see Remarks, Page 20, ¶4). Similarly, the applicant argues that, " Kim fails to disclose or suggest execution means for **determining whether said first information processing apparatus has a bidirectional function** for transmitting the main information and for receiving the main information **over the network**, or **has a unidirectional function** such that said first information processing apparatus has a transmission function for transmitting the main information over the network but not a receiving function for receiving the main information **over the network**, as defined by amended Claim 1" (see Remarks, Page 21, ¶2).

Response: The examiner respectfully disagrees with the argument. Initially, the applicant appears to attack references individually in a rejection of

combined teachings of Hashemi and Kim. Cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981). As it is clearly pointed out in the body of the claim rejection, the limitation argued (i.e., the step of determining a bidirectional or a unidirectional function of the communication device and plurality of communication devices communicating over a communication network) was taught by the combined teachings of Hashemi and Kim. See Claim Rejection 1, as disclosed above.

Nevertheless, as correctly admitted by the applicant, [*“Hashemi describes a method of sharing media clips over a network. Figure 1A of Hashemi shows that multiple user computers 104-118 are connected via central server 102. A group of users corresponding to the user computers may be part of a peer list (also known as a “buddy list”) where each user can check with the central server on whether other users in the peer list are available (i.e., signed in or logged into the network) for sharing media clips”*, see Remarks, Page 20, ¶1] . Hashemi certainly taught plurality of communication apparatus/peers communicating over a communication network and exchanging multimedia messages/streams over the network including a P2P communication of peer devices exchanging multimedia messages. As already addressed On page 2, ¶0024, Hashemi discloses “....the computing device can also be configured to only send to only receive a stream of a media” and further on page 2, ¶0025, Hashemi recites

"...computer 130 to communicate with other computers, ... such as another user computer... the connection module 134 configures computer 130 to communicate with the other computers or devices thereby establishing a connection. A connection or communication between computers can be established with a connection-oriented protocol, a connectionless oriented protocol, or both..." and on page 3, ¶0039, Hashemi discloses that when a computer is only to send a stream of media information, then a P2P communication is established using a connectionless protocol and when the computer is configured to both transmit and receive establishing a P2P connection utilizing a TCP/IP. Having that said, the examiner's reliance on Kim is mainly for the functional limitation of determining a bidirectional and/or unidirectional capability of a communication device, which is not explicitly disclosed in Hashemi. Thus, other teachings (i.e., different sets of apparatus such as the alleged set top box in communication with another apparatus/display and so forth, see remarks on Page 21, ¶1) in Kim that determines bidirectional and/or unidirectional capability of a communication device, does not in any way negate the combined teachings as combined. Hashemi taught substantially all limitations except for the determination of bidirectional and/or unidirectional capability of a communication device, where such function is cured by the teachings of Kim for the reasons set forth in the rejection above.

Note: It is the examiner's position that the amendment made to the claims is minimal to properly overcome the prior art of record by providing a patentably unique functional limitation to overcome the pending rejection and if further prosecution on the merits of the instant application is pursued, Applicant is strongly encouraged to further incorporate into the independent claim some details or features (if any) of this instant application in order to at least overcome the pending rejection and perhaps expedite prosecution of this instant application.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

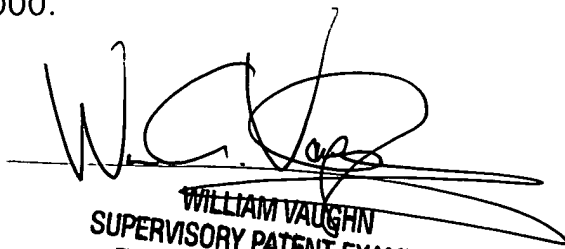
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane Mesfin whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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